

**SENATE RESOLUTION 378—DESIGNATING JUNE 14, 2004, AS “NATIONAL PLEDGE OF ALLEGIANCE TO THE FLAG DAY”**

Mr. CORNYN (for himself, Mrs. FEINSTEIN, Mr. CRAIG, Mr. GRASSLEY, Mr. CHAMBLISS, Mr. GRAHAM of South Carolina, and Mr. DEWINE) submitted the following resolution; which was considered and agreed to:

S. RES. 378

Whereas the United States flag is a unique symbol of the United States and its ideals;

Whereas millions of Americans instinctively look to the United States flag with reverence, in times of national crisis and triumph alike;

Whereas no other American symbol has been as universally honored as the United States flag;

Whereas the United States flag has always played a unique role in honoring the men and women of the Armed Forces who have died in defense of the United States;

Whereas to the countless families of loved ones who have died in defense of the United States, the United States flag is a treasured possession and a poignant memory of their loss;

Whereas the Second Continental Congress adopted the Stars and Stripes as the official flag of the United States on June 14, 1777;

Whereas Congress has designated June 14 as Flag Day (36 U.S.C. 110);

Whereas the Pledge of Allegiance is recited by millions of Americans who wish to demonstrate their loyalty and allegiance to the flag of the United States and to the republic for which it stands;

Whereas President Eisenhower signed into law the modern version of the Pledge of Allegiance on June 14, 1954 (Joint Resolution entitled “Joint Resolution to amend the pledge of allegiance to the flag of the United States of America”, Public Law 83-396, approved June 14, 1954), making Flag Day, 2004, the 50th anniversary of the modern version of the Pledge of Allegiance;

Whereas a 3-judge panel of the United States Court of Appeals for the Ninth Circuit ruled in *Newdow v. United States Congress*, 328 F.3d 466 (9th Cir. 2002), that the words “under God” in the Pledge of Allegiance violate the establishment clause of the first amendment of the Constitution of the United States when recited voluntarily by students in public schools;

Whereas on June 14, 2004, the Supreme Court issued a decision, *Elk Grove Unified School District v. Newdow* (docket number 02-1624), that reversed the decision of the United States Court of Appeals for the Ninth Circuit in the *Newdow* case solely on procedural grounds, but that leaves unresolved whether the Supreme Court agrees with the decision of the United States Court of Appeals for the Ninth Circuit to strike down the Pledge of Allegiance as unconstitutional;

Whereas Congress, in 1954, believed that it was acting constitutionally when it revised the Pledge of Allegiance;

Whereas the Senate believes that the Pledge of Allegiance, as revised in 1954 and as recodified in 2002 (4 U.S.C. 4), is a fully constitutional expression of patriotism; and

Whereas the Senate has twice acted by unanimous consent to authorize the Senate Legal Counsel to defend the constitutionality of the Pledge of Allegiance in the Federal courts (Senate Resolution 134, 108th Congress, agreed to May 8, 2003, and Senate Resolution 292, 107th Congress, agreed to June 26, 2002); Now, therefore, be it

*Resolved*, That the Senate—

(1) supports and reveres the United States flag and the Pledge of Allegiance;

(2) strongly disapproves of the decision by the 3-judge panel of the United States Court of Appeals for the Ninth Circuit in *Newdow v. United States Congress*; and

(3) hereby designates June 14, 2004, as “National Pledge of Allegiance to the Flag Day”.

**SENATE RESOLUTION 379—PROTECTING, PROMOTING, AND CELEBRATING FATHERHOOD**

Mr. BROWNBACK (for himself, Mr. BAYH, Mr. ALEXANDER, Mr. ALLEN, Mr. BENNETT, Mr. BUNNING, Mr. BURNS, Mr. COCHRAN, Mr. CORNYN, Mr. CRAPO, Mr. DOMENICI, Mr. FITZGERALD, Mr. HAGEL, Ms. LANDRIEU, Mr. LEVIN, Mr. LOTT, Mr. MILLER, Mr. SANTORUM, and Mr. TALENT) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 379

Whereas the third Sunday of June is observed as Father's Day;

Whereas fathers have a unique bond with their children which is often unrecognized;

Whereas the complimentary nature of the roles and contributions of fathers and mothers should be recognized and encouraged;

Whereas fathers have an indispensable role in building and transforming society to build a culture of life;

Whereas fathers, along with their wives, form an emotional template for the future professional and personal relationships of a child;

Whereas the involvement of a father in the life of his child significantly influences economic and educational attainment and delinquency of the child; and

Whereas children who experience a close relationship with their fathers are protected from delinquency and psychological distress; Now, therefore, be it

*Resolved*, That the Senate recognizes the importance of fathers to a healthy society and calls on all the people of the United States to observe Father's Day by considering how society can better respect and support fatherhood.

**AMENDMENTS SUBMITTED & PROPOSED**

SA 3449. Mr. REID (for Mr. LEVIN) proposed an amendment to amendment SA 3322 proposed by Mr. ALLARD to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes.

**TEXT OF AMENDMENTS**

**SA 3449.** Mr. REID (for Mr. LEVIN) proposed an amendment to amendment SA 3322 proposed by Mr. ALLARD to the bill S. 2400, to authorize appropriations for fiscal year 2005 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Services, and for other purposes; as follows:

Beginning on page 2, line 4, of the amendment, strike “not later than 30 days” and all that follows through the end and insert “on an expedited basis, except in cases in which the Secretary of State determines that addi-

tional time is required to complete a review of a technical assistance agreement or related amendment or a munitions license application for foreign policy or national security reasons, including concerns regarding the proliferation of ballistic missile technology.

(2) **STUDY ON COMPREHENSIVE AUTHORIZATIONS FOR MISSILE DEFENSE.**—The Secretary of State shall, in consultation with the Secretary of Defense, examine the feasibility of providing major project authorizations for programs related to missile defense similar to the comprehensive export authorization specified in section 126.14 of the International Traffic in Arms Regulations (section 126.14 of title 22, Code of Federal Regulations).

(3) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall, in consultation with the Secretary of Defense, submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and the Committee on International Relations and the Committee on Armed Services of the House of Representatives a report on—

(A) the implementation of the expedited procedures required under paragraph (1); and

(B) the feasibility of providing the major project authorization for projects related to missile defense described in paragraph (2).

(b) **DEPARTMENT OF DEFENSE PROCEDURES FOR EXPEDITED REVIEW OF LICENSES FOR THE TRANSFER OF DEFENSE ITEMS RELATED TO MISSILE DEFENSE.**—

(1) **PROCEDURES.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, prescribe procedures to increase the efficiency and transparency of the practices used by the Department of Defense to review technical assistance agreements and related amendments and munitions license applications related to international cooperation on missile defense that are referred to the Department.

(2) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on Armed Services and the Committee on International Relations of the House of Representatives a report—

(A) describing actions taken by the Secretary of Defense to coordinate with the Secretary of State the establishment of the expedited review process described in subsection (a)(1);

(B) identifying key defense items related to missile defense that are suitable for comprehensive licensing procedures; and

(C) describing the procedures prescribed pursuant to paragraph (1).

(c) **DEFINITION OF DEFENSE ITEMS.**—In this section, the term “defense items” has the meaning given that term in section 38(j)(4)(A) of the Arms Export Control Act (22 U.S.C. 2778(j)(4)(A)).

**SEC. 1069. POLICY ON NONPROLIFERATION OF BALLISTIC MISSILES.**

(a) **POLICY.**—It is the policy of the United States to develop, support, and strengthen international accords and other cooperative efforts to curtail the proliferation of ballistic missiles and related technologies which could threaten the territory of the United States, allies and friends of the United States, and deployed members of the Armed Forces of the United States with weapons of mass destruction.

(b) **SENSE OF CONGRESS.**—(1) Congress makes the following findings:

(A) Certain countries are seeking to acquire ballistic missiles and related technologies that could be used to attack the